

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA**

**In Re:**

**NOAH PRICE TREY OLIVER III,**

**Debtor.**

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**Chapter 13**

**Case No.: 17-04447**

**MOTION TO SELL PROPERTY**

COMES NOW Debtor, Noah Price Trey Oliver III, by and through undersigned counsel, and files this Motion to Sell Property, and in support thereof states as follows:

1. Debtor commenced this case on November 22, 2017, by filing a voluntary petition for relief under Chapter 13 of Title 11 of the United States Bankruptcy Code.
2. Debtor's case has not yet been confirmed and he has his first 341 meeting scheduled for January 4, 2018 at 8:30 a.m. Currently Debtor's plan calls for payments in the amount of \$1,040.00 per month for a period of sixty (60) months.
3. Debtor has a contract for the proposed sale of the real property located at 5264 Maudelayne Drive N. Mobile, AL 36693 for a sum of \$149,900.00. Debtor has attached the Purchase Agreement. Debtor has a 1/6 interest in this property and listed it on the Schedules of his Bankruptcy. Attorney for Debtor requests a \$500.00 fee for the preparation of this Motion and securing the approval of the sale by this Court from the proceeds of the sale of the property.
4. From purchase price of \$149,900.00, \$31,423.56 is to be paid in expenses and closing costs. The \$31, 423.56 is comprised of \$5,936.20 to the listing agent Roberts Brothers Inc and \$3,297.80 to the selling agent Berkshire Hathaway Home Services Cooper & Co. Inc in real estate commissions. \$831.47 to County Taxes, \$1,419.00 in title fees, \$16.00 in recoding fees, \$10,480.00 for tax payoff of Charles Oliver to the US Department of the

Treasury, and \$3,943.09 in miscellaneous closing costs. After the payment of the above costs, there will be \$118,476.44 of which Debtor's share is \$19,746.07, which represents Debtor's 1/6 share in the property. Of this \$19,746.07, Debtor will have a half interest to share with his disabled sister.

5. The proceeds of the sale of the home, after the payments of the above listed expenses, would be paid directly to the other owners, and Debtor's share, in the amount of \$9,873.03 would be paid to the Trustee, Daniel B. O'Brien at closing in certified funds delivered by U.S. Mail postage pre-paid to the receipt address of P.O. Box 1779, Memphis, TN 38101-1779. The other half of Debtor's share, \$9,873.03 would be retained by Debtor for the sole purpose of caring for his disabled sister.

WHEREFORE, the premises considered, Debtor moves the Court to grant the Motion to sell the described real property, and grant such other and further relief this court deems just.

Respectfully Submitted,

/s/ Stephen L. Klimjack  
STEPHEN L. KLIMJACK (KLIMS7892)  
Stephen L. Klimjack, LLC  
1252 Dauphin Street  
Mobile, AL 36604  
(251) 694-0600  
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#### **CERTIFICATE OF SERVICE**

I do hereby certify that on this the 27<sup>th</sup> day of December 2017, a copy of the foregoing document was served on the Trustee, Daniel B. O'Brien by the Bankruptcy Court Electronic Filing System (ECF).

/s/ Stephen L. Klimjack  
STEPHEN L. KLIMJACK